

4

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD KUSTRZYK,

Defendant.

CRIMINAL NO.

HONORABLE:

MAGISTRATE JUDGE SCHEER  
VIOLATIONS: 18 U.S.C. § 2252A(a)(1);  
18 U.S.C. § 2252A(a)(2);  
18 U.S.C. § 2252A(a)(5)(B)

05-80216

LAWRENCE P. ZATKOFF

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

(Mailing of Child Pornography -- 18 U.S.C. §2252A(a)(1))

On or about March 30, 2002, in the Eastern District of Michigan, Southern Division, defendant RICHARD KUSTRZYK knowingly mailed in interstate commerce, child pornography as defined in Title 18, United States Code Section 2256(8)(A); that is, visual depictions of sexually explicit conduct, the production of which involved the use of a minor engaging in sexually explicit conduct, specifically, a CD containing at least 50 child pornographic images, all in violation of Title 18, United States Code, Section 2252A(a)(1).

COUNT TWO

(Receipt of Child Pornography -- 18 U.S.C. §2252A(a)(2))

On or about April 17, 2002, in the Eastern District of Michigan, Southern Division, defendant RICHARD KUSTRZYK knowingly received and attempted to receive, child pornography as defined in Title 18, United States Code Section 2256(8)(A); that is, visual

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
DETROIT, MICHIGAN

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that is, visual depictions of sexually explicit conduct, the production of which involved the use of a minor engaging in sexually explicit conduct, that had been transported and shipped in interstate commerce, specifically, five VHS videotaped movies entitled: "Teaching Lolita Sex", "Children's Sex Party", "Little Ones in Love", "Schoolgirl and Boy", and "Home Video", all in violation of Title 18, United States Code, Section 2252A(a)(2).

**COUNT THREE**

*(Possession of Child Pornography—18 U.S.C. §2252A(a)(5)(B))*

On or about April 17, 2002, in the Eastern District of Michigan, Southern Division, defendant, RICHARD KUSTRZYK, did knowingly possess material, that is, a computer hard drive, floppy disks and compact discs, which contained approximately 697 images of child pornography as defined in Title 18, United States Code Section 2256(8)(A); that is, visual depictions of sexually explicit conduct, the production of which involved the use of a minor engaging in sexually explicit conduct, that had been shipped and transported in interstate via computer, all in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and 2256(8)(A).

**FORFEITURE ALLEGATION**

*(Child Pornography)*

1. The allegations of this indictment are re-alleged as if fully set forth here, for the purpose of alleging forfeiture, pursuant to Title 18, United States Code, Section 2253.
2. If convicted of an offense set forth above, RICHARD KUSTRZYK, the defendant herein, shall forfeit to the United States any and all materials and property used and intended to be used in the receipt, possession and shipment of visual depictions of minors engaging in sexually explicit conduct, and any and all property, real or personal, constituting or traceable to

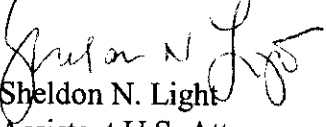
gross profits or other proceeds obtained from the offense. Such property includes the following specific items found in the possession of RICHARD KUSTRZYK on or about April 17, 2002:


A. Hewlett Packard Pavilion Computer Tower, Serial Number US03863274

THIS IS A TRUE BILL

  
Grand Jury Foreperson

CRAIG S. MORFORD  
United States Attorney

  
Sheldon N. Light  
Assistant U.S. Attorney  
Chief, General Crimes Unit

  
Frances Lee Carlson  
Assistant U.S. Attorney

Dated: March 3, 2005

United States District Court  
Eastern District of Michigan**Criminal Case Cover Sheet**

Case Number

**05-80216****NOTE:** It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

<b>Companion Case Information</b>	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	Judge Assigned: <b>LAWRENCE P. ZATKOFF</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No	AUSA's Initials: FLC

**MAGISTRATE JUDGE SCHEER****Case Title:** USA v. RICHARD KUSTRZYK**County where offense occurred :** MACOMB**Check One:**☒ **Felony**☐ **Misdemeanor**☐ **Petty**Indictment \_\_\_/Information \_\_\_ **no** prior complaint.Indictment X/Information \_\_\_ based upon prior complaint [Case number: 04-80792 ]

Indictment \_\_\_/Information \_\_\_ based upon LCrR 57.10 (d) [Complete Superseding section below].

**Superseding Case Information:****Superseding to Case No:** \_\_\_\_\_ **Judge:** \_\_\_\_\_

- ☐ Original case was terminated; no additional charges or defendants.
- ☐ Corrects errors; no additional charges or defendants.
- ☐ Involves, for plea purposes, different charges or adds counts.
- ☐ Embraces same subject matter but adds the additional defendants or charges below:

**Defendant name****Charges**U.S. DIST. COURT CLERK  
EAST DIST. MICH.  
DETROIT-PSG

05 MAR -3 P2:33

**FILED**3/3/05

Date

FRANCES LEE CARLSON

Assistant United States Attorney

(313) 226-9696

Phone Number

<sup>1</sup> Companion cases are matters in which it appears that substantially similar evidence will be offered at trial or the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.